

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES TURNER,

Plaintiff,

vs.

Civil Action No. 11-cv-13281
HON. BERNARD A. FRIEDMAN
MAG. JUDGE R. STEVEN WHALEN

GRAND TRUNK WESTERN
RAILROAD COMPANY,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation ("R&R") dated September 3, 2013 [docket entry 79], in which he recommends that the Court grant defendant's motion for summary judgment [docket entry 60]. Plaintiff has not filed an objection to the R&R pursuant to Fed. R. Civ. P. 72(b)(2).

The Court had an opportunity to fully review this matter and believes that the magistrate judge reached the correct conclusions for the proper reasons. Plaintiff's state claims are barred by the applicable statute of limitations. See Mich. Comp. Laws § 600.5805(2), (5). Furthermore, defendant's conduct is not subject to liability pursuant to section 1983. See Monell v. New York City Dept. of Social Servs., 436 U. S. 658 (1978).

Accordingly,

IT IS ORDERED that Magistrate Judge R. Steven Whalen's R&R dated September 3, 2013, is hereby accepted and adopted.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is granted.

Dated: September 25, 2013
Detroit, Michigan

____s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE